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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

NORTH LOUISIANA SURGERY
CENTER, L.L.C.

CIVIL ACTION NO. 05-1654

versus

JUDGE HICKS

FIRST HEALTH INSURANCE
CO., ET AL.

MAGISTRATE JUDGE HORNSBY

REPORT AND RECOMMENDATION

North Louisiana Surgery Center, L.L.C. ("Plaintiff") filed this action in Shreveport City Court. The complaint was prepared by a non-attorney employee of the Plaintiff entity. A non-attorney may not ordinarily represent another person or legal entity, but there are exceptions for certain small claims in the city courts. The case was later removed to this court, which does not permit a non-attorney to represent a legal entity.

This court issued an order that directed Plaintiff, if it desires to pursue this civil action, to enroll counsel by March 1, 2006 or the complaint would be subject to dismissal. Plaintiff's office manager, who signed the small claims petition, faxed the court a letter and asked for a six month postponement until she can return to work following spinal fusion surgery. That extension was not reasonable, but the court did grant Plaintiff an extension until April 3, 2006 to enroll an attorney. The order warned: "Failure to enroll counsel by the deadline may result in dismissal of this action without further notice."

The April 3 deadline has passed, and Plaintiff has not enrolled counsel or filed anything in this civil action. Dismissal without prejudice for failure to prosecute is warranted under the circumstances.

Accordingly;

IT IS RECOMMENDED that Plaintiff's complaint be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

Objections

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have ten (10) business days from service of this report and recommendation to file specific, written objections with the Clerk of Court, unless an extension of time is granted under Fed. R. Civ. P. 6(b). A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge at the time of filing.

A party's failure to file written objections to the proposed findings, conclusions and recommendation set forth above, within 10 days after being served with a copy, shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. See Douglass v. U.S.A.A., 79 F.3d 1415 (5th Cir. 1996) (en banc).

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 27 day of April,
2006.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE

cc: Judge Hicks